

REMARKS

In the Office Action dated December 26, 2002, claims 1-3 stand rejected for obviousness-type double patenting. Claims 1-3 also stand rejected under 35 U.S.C. §112, first paragraph.

In response, Applicants submit herewith a Terminal Disclaimer, which when considered with the remarks set forth below are deemed to place the application in condition for allowance.

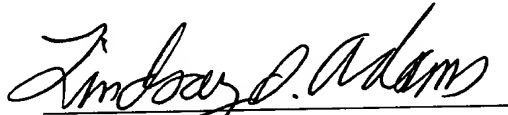
The Terminal Disclaimer submitted herewith disclaims the terminal portion of any patent issuing from the present application over the term of commonly-assigned, U.S. Patent No. 6,284,258. Withdrawal of the rejection is respectfully requested.

Claims 1-3 have been rejected for lack of enablement since the Examiner contends that the specification does not disclose how to make the compound "CMC." Applicants submit that "CMC" is enabled since claims specifically directed to "CMC" were granted in U.S. Patent No. 6,284,258, in which the present application is a continuation. A copy of U.S. Patent No. 6,284,258 is attached as Exhibit A for the Examiner's convenience. The compound "CMC" is being prosecuted in the present case since the Examiner required an election of specie although all the species disclosed in the application had already been granted. Withdrawal of the rejection is therefore respectfully requested.

In view of the allowability of the compound "CMC", Applicants request that the genus now be examined. The sole purpose of the present application is to obtain coverage for the genus since all of the species have been granted.

Applicants do not believe that any fees are due other than the requisite fee for the Terminal Disclaimer. However, if any additional fees are due, please charge such sums to our Deposit Account No. 50-1145.

Respectfully submitted,



Marta E. Delsignore  
Registration No. 32,689

Lindsay S. Adams  
Registration No. 36,425

Attorneys for Applicants

Pitney, Hardin, Kipp & Szuch, L.L.P.  
685 Third Avenue  
New York, New York 10017  
212-297-5800